

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 577 - SB 1392**

March 21, 2021

**SUMMARY OF BILL:** Limits certain information provided to minors relative to contraceptive procedures, supplies, and materials. Prohibits distribution of contraception on school property. Requires the Textbook and Instructional Material Quality Commission to approve all medically acceptable contraceptive information distributed at public schools or public charter schools.

Requires a minor to receive parental permission for contraceptive supplies and information if the referring agency is a public school or public charter school. Creates an exemption from such requirement for an emancipated minor.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – Passage of the proposed legislation could jeopardize federal Title X funding in FY21-22 and subsequent years to the Department of Health, received for providing comprehensive family planning and related preventive health services.**

Assumptions:

*Relative to contraceptive information:*

- Pursuant to Tenn. Code Ann. § 68-34-104(1), it is the policy and authority of this state that all medically acceptable contraceptive procedures, supplies, and information shall be readily and practicably available to each and every person desirous of the same regardless of sex, race, age, income, number of children, marital status, citizenship or motive.
- The provisions of the purposed legislation limits information provided to minors that:
  - Promotes any gateway sexual activity;
  - Provides or distributes materials on school grounds that condone, encourage, or promote student sexual activity;
  - Displays or conducts demonstrations with devices specifically manufactured for sexual stimulation; or
  - Distributes contraception on school property.
- According to the Department of Education (DOE), the proposed legislation as it relates to the Family Life curriculum and instructional materials, including information provided to students, aligns with current state standards; therefore, no significant fiscal impact to the DOE. Any impact on local education agencies is estimated to be not significant.

- The Textbook and Instructional Material Quality Commission can accommodate the provisions of the legislation utilizing existing resources.

*Relative to contraceptives for minors:*

- The proposed language requires a minor to receive parental permission for contraceptive supplies and information if the referring agency is a public school or public charter school.
- Pursuant to Tenn. Code Ann. § 68-34-104(6), to the extent that family planning funds are available, each public health agency of this state and each of its political subdivisions shall provide contraceptive procedures, supplies, and information, including voluntary sterilization procedures for male or female persons eligible for free medical services as determined by rules and regulations promulgated by the Commissioner of the Department of Health (DOH).
- Requiring a minor to receive parental permission for contraceptive supplies and information, if the referring agency is a public school or public charter school, could limit a minor's access to contraceptive supplies and information and as result could jeopardize federal Title X Family Planning Program grants to the DOH of approximately \$6,700,000 in FY21-22 and subsequent years.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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